

From: Bob Miller
To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed final judgement on Microsoft is too lenient. Microsoft has repeatedly engaged in criminally monopolistic activity, and it needs a judgement severe enough that it will be dissuaded from more criminal behavior in the future.

The proposed final judgement is too narrow. It treats specific symptoms, some of which are already obsolete, but it does not attack the root of the problem. It should restrict Microsoft's ability to use its PC monopoly to enter new markets, but it does not. It should restrict Microsoft's ability to shut out competing software vendors in the PC market by requiring Microsoft to release API information well before software using those APIs is released, but it does not. It should specify how it will be enforced, with Microsoft bearing the burden of proving it is not abusing its monopoly powers, but it does not.

Most importantly, Microsoft should be prohibited from discriminating against open source software. Microsoft should be required to make its APIs available to the public, not just to licensees. Microsoft should be specifically prohibited from licensing any of its products in ways that exclude open source software.

The proposed final judgement is not justice. It's barely a slap on the wrist.

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